

PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

**CITATION TO SURVIVING SPOUSE TO ELECT TO
TAKE UNDER OR AGAINST WILL**

[R.C. 2106.02]

To _____
Surviving Spouse Address

As decedent's surviving spouse, Ohio law permits you to choose whether to take under decedent's Will, or to take against the Will.

If you elect to take under the Will, you must take under it alone as to property governed by it, unless it plainly appears from the Will that the provisions in it for you are in addition to an intestate share of the estate.

If you elect to take against the Will, you are entitled to one-half of the decedent's net estate, unless there are two or more of decedent's children or their lineal descendant's surviving, in which case you are entitled to one-third of decedent's net estate.

Whichever choice you make, you will not be barred from your rights to purchase or to remain in the family home for one year, to receive an allowance for support, or to receive an automobile owned by the decedent, as and to the extent you may have such rights under the law.

Before making your election, you are entitled to file a complaint in this Court asking that the Will be construed in your favor.

You have one month from the date of service of this citation in which to make your election to take under or against the Will, or to file a complaint for construction of the Will. The Court may extend such time for good cause. If you take no action within the one-month period, it will be conclusively presumed that you elect to take under the Will.

If you elect to take under the Will, you may do so in writing if you wish, but you may also do so merely by taking no action, as explained in the preceding paragraph.

If you elect to take against the Will, you must come to this Court and do so in person. Before accepting your election to take against the Will, the Judge or Referee must explain decedent's Will, your rights under the Will, and your rights in case of your refusal to take under the Will.

It is recommended that you consult your attorney if you are in any doubt as to your rights, as to how to claim them, or as to which course of action would be to your best advantage.

Date

Probate Judge/Clerk